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Attorney Docket P1618P2C46

PATENT

07/11/01 1059 U.S. PTO

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09/903520

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**CERTIFICATION UNDER 37 CFR 1.10**

**EL 809 448 433 US** : Express Mail Number      **July 11, 2001** : Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

*Teri Renshaw*

Teri Renshaw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Avi Ashkenazi, San Mateo, CA  
David Botstein, Belmont, CA  
Luc Desnoyers, San Francisco, CA  
Dan L. Eaton, San Rafael, CA  
Napoleone Ferrara, San Francisco, CA  
Ellen Filvaroff, San Francisco, CA  
Sherman Fong, Alameda, CA  
Wei-Qiang Gao, Foster City, CA  
Hanspeter Gerber, San Francisco, CA  
Mary E. Gerritsen, San Mateo, CA  
Audrey Goddard, San Francisco, CA  
Paul J. Godowski, Burlingame, CA  
J. Christopher Grimaldi, San Francisco, CA  
Austin L. Gurney, Belmont, CA  
Kenneth J. Hillan, San Francisco, CA  
Ivar J. Kljavin, Lafayette, CA  
Jennie P. Mather, Millbrae, CA  
James Pan, Belmont, CA  
Nicholas F. Paoni, Belmont, CA  
Margaret Ann Roy, San Francisco, CA  
Timothy A. Stewart, San Francisco, CA  
Daniel Tumas, Orinda, CA  
P. Mickey Williams, Half Moon Bay, CA  
William I. Wood, Hillsborough, CA

Title: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

**1. Type of Application**

☐ This application is for an original, non-provisional application.

☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_\_\_, the entire disclosure of which is hereby incorporated by reference.

☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application serial numbers: 60/059115 filed September 17, 1997; 60/059184 filed September 17, 1997; 60/059122 filed September 17, 1997; 60/059117 filed September 17, 1997; 60/059113 filed September 17, 1997; 60/059121 filed September 17, 1997; 60/059119 filed September 17, 1997; 60/059263 filed September 18, 1997; 60/059266 filed September 18, 1997; 60/062125 filed October 15, 1997; 60/062287 filed October 17, 1997; 60/062285 filed October 17, 1997; 60/063486 filed October 21, 1997; 60/062816 filed October 24, 1997; 60/062814 filed October 24, 1997; 60/063127 filed October 24, 1997; 60/063120 filed October 24, 1997; 60/063121 filed October 24, 1997; 60/063045 filed October 24, 1997; 60/063128 filed October 24, 1997; 60/063329 filed October 27, 1997; 60/063327 filed October 27, 1997; 60/063549 filed October 28, 1997; 60/063541 filed October 28, 1997; 60/063550 filed October 28, 1997; 60/063542 filed October 28, 1997; 60/063544 filed October 28, 1997; 60/063564 filed October 28, 1997; 60/063734 filed October 29, 1997; 60/063738 filed October 29, 1997; 60/064215 filed October 29, 1997; 60/063735 filed October 29, 1997; 60/063732 filed October 29, 1997; 60/064103 filed October 31, 1997; 60/063870 filed October 31, 1997; 60/064248 filed November 3, 1997; 60/064809 filed November 7, 1997; 60/065186 filed November 12, 1997; 60/065846 filed November 17, 1997; 60/065693 filed November 18, 1997; 60/066120 filed November 21, 1997; 60/066364 filed November 21, 1997; 60/066772 filed November 24, 1997; 60/066466 filed November 24, 1997; 60/066770 filed November 24, 1997; 60/066511 filed November 24, 1997; 60/066453 filed November 24, 1997; 60/066840 filed November 25, 1997; 60/069,425 filed December 12, 1997; 60/088,026 filed June 4, 1998; 60/099,803 filed September 10, 1998; 60/100,262 filed September 14, 1998; 60/100,858 filed September 17, 1998; 60/104,080 filed October 13, 1998; 60/109,304 filed November 20, 1998; 60/113,296 filed December 22, 1998; 60/143,048 filed July 7, 1999; 60/145,698 filed July 26, 1999; 60/146,222 filed July 28, 1999; 09/665,350 filed September 18, 2000; PCT/US98/18824 filed September 10, 1998; PCT/US98/19177 filed September 14, 1998; PCT/US98/19330 filed September 16, 1998; PCT/US98/19437 filed September 17, 1998; PCT/US98/25108 filed December 1, 1998; PCT/US99/20594 filed September 8, 1999; PCT/US99/20944 filed September 13, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/21547 filed September 15, 1999; PCT/US99/23089 filed October 5, 1999; PCT/US99/28214 filed November 29, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/28564 filed December 2, 1999; PCT/US99/28565 filed December 2, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US99/30999 filed December 20, 1999; PCT/US99/30911 filed December 20, 1999; PCT/US00/00219 filed January 5, 2000; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05004 filed February 24, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/07377 filed March 20, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/15264 filed June 2, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/23328 filed August 24, 2000, the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)  
(Non-provisional )**

251 pages of specification  
8 pages of claims  
1 page(s) of abstract  
124 sheet(s) of drawings  
☒ formal ☐ informal

3. **Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
 \_\_\_ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
X A copy of the executed declaration/oath filed in the prior application is enclosed  
 (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
 \_\_\_ A signed statement is attached deleting inventor(s) named in the prior  
 application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

*(for new and CIP applications)*  
 \_\_\_ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with  
 attached Recordation Form Cover Sheet ☐ will follow.

*(for cont./div.)*  
X The prior application is assigned of record to Genentech, Inc.  
 REEL/FAME 011508/0761  
 Recorded: 05/05/2001

5. **Amendments (for continuation and divisional applications)**

\_\_\_ Cancel in this application original claims \_\_ of the prior application before calculating the filing  
 fee. (At least one original independent claim must be retained for filing purposes.)

X A preliminary amendment is enclosed. (Claims added by this amendment have been  
 properly numbered consecutively beginning with the number next following the highest  
 numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

X Amend the specification by inserting before the first line the sentence:

--This is a

\_\_\_ non-provisional application  
X continuation

\_\_\_\_ divisional  
 \_\_\_\_ continuation-in-part

of applications

- X U.S. serial number 09/665,350, filed September 18, 2000, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120; and
- X International Application serial numbers: PCT/US98/18824 filed September 10, 1998; PCT/US98/19177 filed September 14, 1998; PCT/US98/19330 filed September 16, 1998; PCT/US98/19437 filed September 17, 1998; PCT/US98/25108 filed December 1, 1998; PCT/US99/20594 filed September 8, 1999; PCT/US99/20944 filed September 13, 1999; PCT/US99/21090 filed September 15, 1999; PCT/US99/21547 filed September 15, 1999; PCT/US99/23089 filed October 5, 1999; PCT/US99/28214 filed November 29, 1999; PCT/US99/28313 filed November 30, 1999; PCT/US99/28301 filed December 1, 1999; PCT/US99/28564 filed December 2, 1999; PCT/US99/28565 filed December 2, 1999; PCT/US99/30095 filed December 16, 1999; PCT/US99/30999 filed December 20, 1999; PCT/US99/30911 filed December 20, 1999; PCT/US00/00219 filed January 5, 2000; PCT/US00/03565 filed February 11, 2000; PCT/US00/04414 filed February 22, 2000; PCT/US00/05004 filed February 24, 2000; PCT/US00/05841 filed March 2, 2000; PCT/US00/07377 filed March 20, 2000; PCT/US00/08439 filed March 30, 2000; PCT/US00/14042 filed May 22, 2000; PCT/US00/15264 filed June 2, 2000; PCT/US00/20710 filed July 28, 2000; PCT/US00/23328 filed August 24, 2000, which designated the U.S., which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120 and
- X provisional application serial numbers: 60/059115 filed September 17, 1997; 60/059184 filed September 17, 1997; 60/059122 filed September 17, 1997; 60/059117 filed September 17, 1997; 60/059113 filed September 17, 1997; 60/059121 filed September 17, 1997; 60/059119 filed September 17, 1997; 60/059263 filed September 18, 1997; 60/059266 filed September 18, 1997; 60/062125 filed October 15, 1997; 60/062287 filed October 17, 1997; 60/062285 filed October 17, 1997; 60/063486 filed October 21, 1997; 60/062816 filed October 24, 1997; 60/062814 filed October 24, 1997; 60/063127 filed October 24, 1997; 60/063120 filed October 24, 1997; 60/063121 filed October 24, 1997; 60/063045 filed October 24, 1997; 60/063128 filed October 24, 1997; 60/063329 filed October 27, 1997; 60/063327 filed October 27, 1997; 60/063549 filed October 28, 1997; 60/063541 filed October 28, 1997; 60/063550 filed October 28, 1997; 60/063542 filed October 28, 1997; 60/063544 filed October 28, 1997; 60/063564 filed October 28, 1997; 60/063734 filed October 29, 1997; 60/063738 filed October 29, 1997; 60/063704 filed October 29, 1997; 60/063435 filed October 29, 1997; 60/064215 filed October 29, 1997; 60/063735 filed October 29, 1997; 60/063732 filed October 29, 1997; 60/064103 filed October 31, 1997; 60/063870 filed October 31, 1997; 60/064248 filed November 3, 1997; 60/064809 filed November 7, 1997; 60/065186 filed November 12, 1997; 60/065846 filed November 17, 1997; 60/065693 filed November 18, 1997; 60/066120 filed November 21, 1997; 60/066364 filed November 21, 1997; 60/066772 filed November 24, 1997; 60/066466 filed November 24, 1997; 60/066770 filed November 24, 1997; 60/066511 filed November 24, 1997; 60/066453 filed November 24, 1997; 60/066840 filed November 25, 1997; 60/069,425 filed December 12, 1997; 60/088,026 filed June 4, 1998; 60/099,803 filed September 10, 1998; 60/100,262 filed September 14, 1998; 60/100,858 filed September 17, 1998; 60/104,080 filed October 13, 1998; 60/109,304 filed November 20, 1998; 60/113,296 filed December 22, 1998; 60/143,048 filed July 7, 1999; 60/145,698 filed July 26, 1999; 60/146,222 filed July 28, 1999, the entire disclosure of which is hereby incorporated by reference and to

which applications priority is claimed under 35 USC §119.--.

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	13	- 20 =	0	X \$18.00	\$0.00
Independent Claims	3	- 3 =	0	X \$80.00	\$0.00
<u>0</u> Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☒ Other: Post card

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

Paul E. Rauch, Ph.D.  
Brinks, Hofer, Gilson & Lione  
NBC Tower - Suite 3600  
455 Cityfront Plaza Drive  
Chicago, IL 60611-5599  
Telephone: 312-321-4780

Respectfully submitted,  
GENENTECH, INC.

Date: July 11, 2001

By: \_\_\_\_\_



Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone No. (650) 225-4461



09157

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>Ashkenazi et al.</p> <p>Serial No.: Not yet assigned</p> <p>Filed: Herewith</p> <p>For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i></p>	<p>Group Art Unit: Not yet assigned</p> <p>Examiner: Not yet assigned</p>
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**REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING  
FROM PARENT APPLICATION PURSUANT TO 37 C.F.R. § 1.821 (e)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The patent application filed herewith is a continuing application of currently pending application Serial No. 09/665,350, filed on September 18, 2000. The Sequence Listings in (a) the herewith filed patent application and (2) currently pending patent application Serial No. 09/665,350, filed on September 18, 2000, are identical. Therefore, pursuant to 37 C.F.R. § 1.821(e), Applicants respectfully request that the compliant computer readable form of the Sequence Listing filed on January 25, 2001 in parent application Serial No. 09/665,350 be used as the computer readable form for the herewith filed patent application. The paper copy of the Sequence Listing submitted herewith

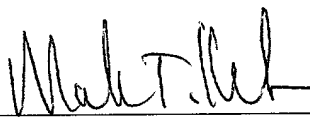
**Serial No.:** Not yet assigned

**Filed:** Herewith

is identical to that on the compliant computer readable form of the Sequence Listing filed on January 25, 2001 in parent application Serial No. 09/665,350.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone: (650) 225-4461



09157

PATENT TRADEMARK OFFICE